ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೯ Volume 149	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಆಗಸ್ಟ್ ೨೧, ೨೦೧೪ (ಶ್ರಾವಣ ೩೦, ಶಕ ವರ್ಷ ೧೯೩೬) Bangalore, Thursday, August 21, 2014 (Shravana 30, Shaka Varsha 1936)	ಸಂಚಿಕೆ ೩೪ Issue 34

ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 20 ಕೇಶಾಪ್ರ 2014, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14–05–2014.

2014ನೇ ಸಾಲಿನ 10–03–2014ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ (1) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 (No. 16 of 2014) ದಿನಾಂಕ : 07–03–2014 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 10th March, 2014

The following Act of Parliament received the assent of the President on the 7th March 2014, and is hereby published for general information:-

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ACT, 2014

(No. 16 oF 2014)

[7th March 2014]

An Act further to amend the Narcotic drugs and Psychotropic Substances Act, 1985,

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:-

1. Short title and commencement - 1) This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2. - In section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) (hereinafter.referred to as the principal Act),—

(a) after clause (iv), the following clause shall be inserted, namely:—

'(iva) "Central Government factories" means factories owned by the Central Government or factories owned by any company in which the Central Government holds at least fifty-one percent. of the paid-up share capital;';

(b) clause (viiia) shall be relettered as clause (viiib) and before, clause (viiib) as so relettered, the following clause shall be inserted, namely:—

'(viiia) "essential narcotic drug" means a narcotic drug notified by the Central Government for medical and scientific use;'.

3. Amendment of section 4. - In section 4 of the principal Act,—

(a) in sub-section (1), after the words "the illicit traffic therein'', the words "and for ensuring their medical and scientific use" shall be inserted;

(b) in sub-section (2), after clause (d), the following clause shall be inserted,namely:—

"(da) availability of narcotic drugs and psychotropic substances for medical and scientific use;".

4. Amendment of section 9.- In section 9 of the principal Act,—

(a) in sub-section (1), in clause (a),—

(i) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iiia) the possession, transport, import inter-State, export inter-State, warehousing, sale, purchase, consumption and use of poppy straw produced from plants from which no juice has been extracted through lancing;".

(ii) after sub-clause (v), the following shall be inserted, namely:—

(va) the manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption and use of essential narcotic drugs:

Provided that where, in respect of an essential narcotic drug, the State Government has granted licence or permit under the provisions of section 10 prior to the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, such licence or permit shall continue to be valid till the date of its expiry or for a period of twelve months from such commencement, whichever is earlier.";

(b) in sub-section (2), after clause (h), the following clause shall be inserted, namely:—

"(ha) prescribe the forms and conditions of licences or permits for the manufacture, possession, transport, import inter-State, export inter-State, sale,purchase, consumption or use of essential narcotic drugs, the authorities by which such licence or permit may be granted and the fees that may be charged therefor;".

5. Amendment of section 10.- In section 10 of the principal Act, in sub-section (1), in clause (a),—

(a) in sub-clause (i), after the words ''poppy straw", the words "except poppy straw produced from plants from which no juice has been extracted through lancing"shall be inserted;

(b) in sub-clause (v), for the words "manufactured drugs other than prepared opium", the words and brackets "manufactured drugs (other than prepared opium and essential narcotic drugs)'' shall be inserted.

6. Amendment of section 15.- In section 15 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted.

7. Amendment of section 17.- In section 17 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted.

8. Amendment of section 18.- In section 18 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted.

9. Amendment of section 20.- In section 20 of the principal Act, in clause (b), in sub-clause (ii), in item (A), for the words "six months", the words "one year" shall be substituted.

10. Amendment of section 21.- In section 21 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted.

11. Amendment of section 22.- In section 22 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted.

12. Amendment of section 23.- In section 23 of the principal Act, in clause (a), for the words "six months", the words "one year" shall be substituted.

13. Insertion of new section 27B.- After section 27A of the principal Act, the following section shall be inserted, namely:—

Punishment for contravention of section 8A.

"27B. Whoever contravenes the provision of section 8A shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine.".

14. Amendment of section 31.- In section 31 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "one-half of the maximum term", the words "one and onehalf times of the maximum term" shall be substituted;

(ii) for the words "one-half of the maximum amount", the words "one and one-half times of the maximum amount" shall be substituted;

(b) in sub-section (2),—

(i) for the words "one-half of the minimum term", the words "one and onehalf times of the minimum term" shall be substituted;

(ii) for the words "one-half of the minimum amount", the words "one and one-half times of the minimum amount" shall be substituted.

15. Amendment of section 31A.- In section 31A of the principal Act, in sub-section (1), for the words "shall be punishable with death", the words and figures "shall be punished with punishment which shall not be less than the punishment specified in section 31 or with death" shall be substituted.

16. Amendment of section 42.- In section 42 of the principal Act, in sub-section (1), in the proviso, for the words

"Provided that", the following shall be substituted, namely:—

"Provided that in respect of holder of a licence for manufacture of manufactured drugs or psychotropic substances or controlled substances granted under this Act or any rule or order made thereunder, such power shall be exercised by an officer not below the rank of sub-inspector:

Provided further that".

17. Amendment of section 52A.- In section 52A of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Central Government may, having regard to the hazardous nature, vulnerability to theft, substitution, constraint of proper storage space or any other relevant consideration, in respect of any narcotic drugs, psychotropic substances, controlled substances or conveyances, by notification in the Official Gazette, specify such narcotic drugs, psychotropic substances, controlled substances or conveyance or class of narcotic drugs, class of psychotropic substances, class of controlled substances or conveyances, which shall, as soon as may be after their seizure, be disposed of by such officer and in such manner as that Government may, from time to time, determine after following the procedure hereinafter specified.";

(b) in sub-section (2),—

(i) for the words "narcotic drug or psychotropic substance" and "narcotic drugs or psychotropic substances", wherever they occur, the words "narcotic drugs, psychotropic substances, controlled substances or conveyances" shall be substituted;

(ii) in clause (b), for the words "such drugs or substances", the words "such drugs, substances or conveyances" shall be substituted;

(c) in sub-section (4), for the words "narcotic drugs or psychotropic substances", the words "narcotic drugs, psychotropic substances, controlled substances or conveyances" shall be substituted.

18. Insertionof new section 57A.- After section 57 of the principal Act, the following section shall be inserted, namely:—

Report of seizure of property of the person arrested by the notified officer. "57A. Whenever any officer notified under section 53 makes an arrest or seizure under this Act, and the provisions of Chapter VA apply to any person involved in the case of such arrest or seizure, the officer shall make a report of the illegally acquired properties of such person to the jurisdictional competent authority within ninety days of the arrest or seizure.".

19. Substitution of new heading of Chapter VA.- In Chapter VA of the principal Act, for the heading "FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFIC", the heading "FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY"

shall be substituted.

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20. **Amendment of section 68B.-** In section 68B of the principal Act,—

(a) in clause (g),—

(i) in sub-clause (i), for the words "of this Act; or", the words "of this Act; or the equivalent value of such property; or" shall be substituted;

(ii) in sub-clause (ii), for the words "such property,", the words "such property or the equivalent value of such property; or" shall be substituted;

(iii) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

"(iii) any property acquired by such person, whether before or after the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, wholly or partly out of or by means of any income, earnings or assets the source of which cannot be proved, or the equivalent value of such property;";

(b) for clause (h), the following clause shall be substituted, namely:—

'(h) "property" means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, wherever located and includes deeds and instruments evidencing title to, or interest in, such property or assets;'.

21. **Amendment of section 68D**.- In section 68D of the principal Act, in sub-section (1), for the words "any Collector of Customs or Collector of Central Excise", the words "any Commissioner of Customs or Commissioner of Central Excise" shall be substituted.

22. **Amendment of section 68H**.- In section 68H of the principal Act, the following Explanation shall be inserted at the end, namely:—

"Explanation.—For the removal of doubts, it is hereby declared that in a case where the provisions of section 68J are applicable, no notice under this section shall be invalid merely on the ground that it fails to mention the evidence relied upon or it fails to establish a direct nexus between the property sought to be forfeited and any activity in contravention of the provisions of this Act.".

23. **Amendment of section 68-O**.- In section 68-O of the principal Act, in sub-section (4), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that if the office of the Chairman is vacant by reason of his death, resignation or otherwise, or if the Chairman is unable to discharge his duties owing to absence, illness or any other cause, the Central Government may, by order,nominate any member to act as the Chairman until a new Chairman is appointed and assumes charge or, as the case may be, resumes his duties.''.

24. **Amendment of section 71**.- In section 71 of the principal Act, in sub-section (1), for the words "The Government may, in its discretion, establish, as many centres as it thinks fit for identification, treatment", the words ''The Government may establish, recognise or approve as many centres as it thinks fit for identification, treatment, management" shall be substituted..

P.K. MALHOTRA,
Secy. to the Govt. of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್.ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಮುದ್ರಕರು ಹಾಗೂ ಪ್ರಕಾಶಕರು:– ಸಂಕಲನಾಧಿಕಾರಿಗಳು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸರ್ಕಾರಿ ಕೇಂದ್ರ ಮುದ್ರಣಾಲಯ, ಬೆಂಗಳೂರು–59.